

HOUSE BILL No. 1291

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-2.5-5-39; IC 12-14-11-20.

Synopsis: Bulk fuel sales tax exemption. Provides a state gross retail tax exemption for sales of bulk fuel to a person who acquires the fuel through a home energy assistance program administered by the division of family and children. Requires the division to use money saved due to the exemption for the benefit of eligible households that use bulk fuel.

Effective: Upon passage; July 1, 2005.

Yount, Klinker, Murphy, Day

January 11, 2005, read first time and referred to Committee on Ways and Means.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1291

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-2.5-5-39 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2005]: **Sec. 39. (a) As used in this section, "bulk fuel" includes**
4 **the following fuel sources:**

- 5 **(1) Coal.**
6 **(2) Kerosene.**
7 **(3) Liquid petroleum (LP) gas.**
8 **(4) Oil.**
9 **(5) Wood.**

10 **The term does not include a fuel source provided by a power**
11 **subsidiary (as defined in IC 6-2.5-4-5).**

12 **(b) As used in this section, "division" means the division of**
13 **family and children established by IC 12-13-1-1.**

14 **(c) A transaction involving bulk fuel is exempt from the state**
15 **gross retail tax if the person acquiring the bulk fuel acquires it**
16 **through a program administered by the division under**
17 **IC 12-14-11.**



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SECTION 2. IC 12-14-11-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) As used in this section, "bulk fuel" includes the following fuel sources:

- (1) Coal.
- (2) Kerosene.
- (3) Liquid petroleum (LP) gas.
- (4) Oil.
- (5) Wood.

The term does not include a fuel source provided by a power subsidiary (as defined in IC 6-2.5-4-5).

(b) Not later than the tenth day of each month, the division shall determine the product of:

- (1) the total amount of assistance provided for transactions described in IC 6-2.5-5-39(c) for the immediately preceding month; multiplied by
- (2) six hundredths (0.06).

The division shall use an amount from money administered under this chapter equal to the amount determined under this subsection solely for the benefit of eligible households that use bulk fuel as the household's primary source of home energy, as determined by the division. The division shall prorate the amount used among all eligible households that use bulk fuel based on the amount of assistance received by each eligible household during the immediately preceding month.

(c) The division shall adopt procedures to implement this section.

SECTION 3. [EFFECTIVE JULY 1, 2005] IC 6-2.5-5-39, as added by this act, applies to transactions involving bulk fuel that occur after June 30, 2005.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the department of state revenue established by IC 6-8.1-2-1.

(b) The department may adopt rules under IC 4-22-2 to implement IC 6-2.5-5-39, as added by this act.

(c) The department shall adopt any rules under this SECTION to implement IC 6-2.5-5-39, as added by this act, in the same manner as emergency rules are adopted under IC 4-22-2-37.1. Any rules adopted under this SECTION must be adopted not later than June 1, 2005. A rule adopted under this SECTION expires on the earlier of:

- (1) the date a rule is adopted by the department under

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1 IC 4-22-2-24 through IC 4-22-2-36 to implement
2 IC 6-2.5-5-39, as added by this act; or
3 (2) July 1, 2006.
4 (d) This SECTION expires July 1, 2006.
5 SECTION 5. An emergency is declared for this act.

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